

September 26, 2022

Dr. Earthea Nance  
Region 6 Administrator  
U.S. Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, TX 75270

RE: Port of Corpus Christi Authority of Nueces County TPDES Permit No. TX0138347  
(WQ0005253000)

Dear Dr. Nance,

As you may be aware, on September 22, 2022, the Texas Commission on Environmental Quality (TCEQ) Commissioners authorized issuance of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005253000, TX0138347 (the Permit), with modifications recommended by the State Office of Administrative Hearings (SOAH) Administrative Law Judges. The Permit would authorize the Port of Corpus Christi Authority (the Port Authority) to discharge to coastal waters from a seawater desalination facility in Nueces County, Texas. The Port Authority writes to reaffirm its commitment to cooperate and share information with the U.S. Environmental Protection Agency (EPA), reiterate our offer to provide you or your staff with a technical briefing on the desalination facility, and promote a cooperative path forward.

The Port Authority has been in operation for nearly 100 years and its mission is to fund, develop and maintain critical infrastructure necessary for a robust local, state, and national economy which facilitates domestic and international supply chains and job-creating economic development in the South Texas Coastal Bend. As a political subdivision of the State of Texas, the Port Authority is committed to transparency, stakeholder engagement, and scientific integrity. Protecting the environment and the natural resources in which the Port Authority operates is necessarily integrated into our culture of compliance and innovation. We share the environmental priorities of both TCEQ and EPA and have a responsibility to our community to drive economic prosperity and opportunity for all while protecting the natural beauty of our surroundings.

The regulatory approval process for the Permit has been extensive, resulting in a robust administrative record and permit conditions designed to protect the aquatic environment. That process has generated hundreds of pages of technical documentation, robust public participation, and testimony and evidence from two contested case hearings before SOAH. While you have thus far declined the Port Authority's invitations for a technical briefing, we stand ready to answer any questions EPA may have regarding any aspect of the project.

As we communicated to EPA during our June 9, 2022 meeting and in multiple follow up communications, the Port Authority is invested in its neighboring communities and is eager to

work with you to enhance engagement, improve outcomes for those communities, and continue to earn the public's trust. The Port Commission and Port Authority staff are working diligently on Justice40 programs alongside local community leaders to ensure a sustainable and positive impact on the disaffected in our community. We note that the discharge authorized by the Permit is not located in an economically disadvantaged or historically overburdened community; however, the water resiliency resulting from the project will advance social justice priorities, including water security, economic prosperity, and employment opportunities for the neighboring communities for the foreseeable future. We cannot overstate the importance of the proposed seawater desalination facility, particularly as millions of Coastal Bend area residents are currently experiencing drought conditions. The region continues to rely almost entirely on surface water, both for drinking water supply as well as for critical environmental flows into bays and estuaries, and demand for potable water is expected to significantly surpass supply in the coming years. The proposed seawater desalination facility will provide an independent, sustainable and drought-proof source of clean and safe water to meet the needs of our communities while preserving our valuable ecological resources.

We understand there may be remaining disagreements between EPA and TCEQ on the Permit. The Port Authority takes no position on the agencies' technical and/or legal disagreements; however, from our perspective, EPA's technical comments on the Permit are relatively minor and, we believe, can be resolved with some targeted information exchange and cooperative engagement between the agencies.

Please contact me if you would like to discuss this letter and a path forward and please contact Sarah Garza (sarah@pocca.com) if you have technical questions or would like to discuss any aspect of the project or the Permit.

Sincerely,

PORT OF CORPUS CHRISTI AUTHORITY



Sean C. Strawbridge  
Chief Executive Officer

Cc: Toby Baker, Executive Director, TCEQ  
Helena Wooden-Aguilar, Acting Deputy Regional Administrator  
Delia Iris Gonzales, Chief of Staff  
Charles Maguire, Director, Region 6 Water Division  
Andrew Sawyers, Director, Office of Wastewater Management